IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4144 of 2005

Between:

P.Venkatesulu, s/o P.Appanna, Fair Price Shop Dealer,
r/o N.Timmapuram Village, Guntakal (M), Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Ananthapur, Ananthapur District.
2 The Revenue Divisional Officer, Ananthapur, Ananthapur District.
3 The Mandal Revenue Officer, Guntakal Mandal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the proceedings of the 2nd respondent vide in D.Dis.No.D1/CS/907/2004 dated 24-01-2005 by cancelling the petitioner Fair Price Shop authorization on fake and tale grounds and the joint collector also refused Stay petition in Rc.No.K4/ATP/ /2005 on 02-2005 in an appeal filed by the petitioner of N.Timmapuram Village, Guntakal Mandal, Anantapur District is illegal, arbitrary and violation of principles of natural justice and in violation of Article 14, 19 and 21 of the Constitution of India and consequently set aside the above said proceedings as illegal and direct the respondents herein to restore the petitioner fair price shop dealer authorization and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR. B ANJANEYULU

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

Petitioner filed this writ petition challenging the orders passed by the 2nd respondent herein, cancelling his authorisation as a fair price shop dealer.

If gone into the history, earlier, the 2nd respondent suspended the authorisation of the petitioner pending enquiry and aggrieved thereby, the petitioner preferred an appeal before the 1st respondent who rejected the request of the petitioner to stay the proceedings of the 2nd respondent and remanded the matter to the 2nd respondent to dispose of the matter afresh after affording opportunity to the petitioner. However, aggrieved thereby, the petitioner filed Writ Petition No. 21280 of 2004, which was disposed of with an observation that the order of suspension pending enquiry is not warranted and with a direction to the 1st respondent to consider the appeal filed by the petitioner afresh and pass appropriate orders in accordance with law, within a period of one week. Pursuant to the said direction, an enquiry was conducted and the 2nd respondent passed the impugned order cancelling the very authorisation of the petitioner. Hence the writ petition.

It is not in dispute that aggrieved by the order passed by the 2nd

respondent, the petitioner had preferred an appeal before the appellate authority and the same has not been disposed of.

In that view of the matter, suffice it to close the writ petition, a direction to the appellate authority i.e. the 1st respondent be given to dispose of the appeal preferred by the petitioner as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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kvsn 07-03-2005

To

1 The Joint Collector, Ananthapur, Ananthapur District.
2 The Revenue Divisional Officer, Ananthapur, Ananthapur District.
3 The Mandal Revenue Officer, Guntakal Mandal, Anantapur District.

4 Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.

5 Two CD copies.